

UNITED STATES DISTRICT COURT

Southern

District of

New York

Merrill Lynch Business Financial Services Inc.

SUMMONS IN A CIVIL ACTION

^{vs}
D.M.S. Diamond Co. Inc., Marc Steinberg, and
"John Doe #1" through "John Doe #12"

CASE NUMBER:

07 CV 7048

JUDGE PRESKA

TO: (Name and address of Defendant)

Marc Steinberg, 2467 Logue Street, N. Bellmore, NY 11710

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)
Spencer L. Schneider, Esq., 70 Lafayette Street, New York, NY 10013

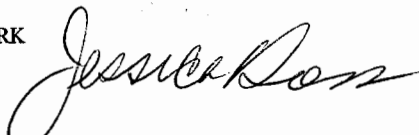
an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK **J. MICHAEL McMAHON**

DATE

AUG 07 2007
Format m/d/yyyy

(By) DEPUTY CLERK



MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.
Plaintiff(s)
- against -
D.M.S. DIAMOND CO. INC., ETAL
Defendant(s)
Index #: 07 CV 7048 (PRESKA)
Date Filed:
AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:
BRIAN KLEINBERG BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on August 8, 2007 at 08:52 AM at
2467 LOGUE STREET
NORTH BELLMORE, NY 11710

deponent served the within true copy of the SUMMONS & COMPLAINT, CIVIL COVER SHEET, RULE 7.1 STATEMENT AND JUDGES' RULES on MARC STEINBERG, the defendant/respondent therein named.

INDIVIDUAL by delivering a true copy of each to said defendant/respondent personally; deponent knew the person so served to be the person described as the defendant/respondent therein and he identified himself as such.


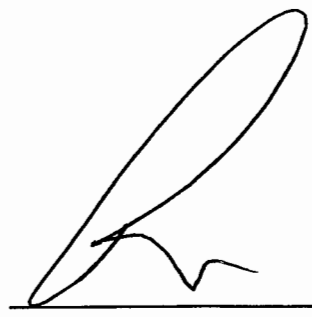
Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	BROWN	50	5'8	160

MILITARY SERVICE Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the defendant/respondent in this action.

Sworn to me on: August 9, 2007

Linda Forman Notary Public, State of New York No. 01FO5031305 Qualified in New York County Commission Expires August 1, 2010	 Robin M. Forman Notary Public, State of New York No. 01FO6125415 Qualified in New York County Commission Expires April 18, 2009	Larry Yee Notary Public, State of New York No. 01YE5015682 Qualified in New York County Commission Expires July 26, 2009	 BRIAN KLEINBERG Docket #: 495986
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